

House Bill 126 (AS PASSED HOUSE AND SENATE)

By: Representatives Lindsey of the 54<sup>th</sup> and Willard of the 49<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

To amend Title 10 of the Official Code of Georgia Annotated, relating to commerce and trade, so as to enact the Uniform Electronic Transactions Act; to provide for definitions; to provide for the authorization of electronic records and electronic signatures; to provide for admissibility of certain electronic records and electronic signatures; to provide for the use of electronic records and electronic signatures to vary by agreement of certain parties; to provide for the presentation of certain records; to provide for the effect of an electronic record or an electronic signature; to provide for the effect of a change or error; to provide for notarization and acknowledgment of an electronic record or an electronic signature; to provide for the retention of electronic records; to provide for automated transactions; to provide for transferable records; to provide for acceptance and distribution of electronic records by governmental agencies; to provide for exclusions; to provide for applicability; to provide for relief from the unauthorized use of electronic signatures; to amend Titles 14, 15, 31, 33, 43, 44, and 50 of the Official Code of Georgia Annotated, relating to corporations, courts, health, insurance, professions and businesses, property, and state government, respectively, so as to correct cross-references; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

Title 10 of the Official Code of Georgia Annotated, relating to commerce and trade, is amended by revising Chapter 12, relating to electronic records and signatures, in its entirety as follows:

"CHAPTER 12

10-12-1.

This chapter shall be known and may be cited as the 'Uniform Electronic Transactions Act.'

10-12-2.

As used in this chapter, the term:

(1) 'Agreement' means the bargain of the parties in fact, as found in their language or inferred from other circumstances and from rules, regulations, and procedures, given the effect of agreements under laws otherwise applicable to a particular transaction.

(2) 'Automated transaction' means a transaction conducted or performed, in whole or in part, by electronic means or electronic records in which the acts or records of one or both parties are not reviewed by an individual in the ordinary course in forming a contract, performing under an existing contract, or fulfilling an obligation required by the transaction.

(3) 'Computer program' means a set of statements or instructions to be used directly or indirectly in an information processing system in order to bring about a certain result.

(4) 'Contract' means the total legal obligation resulting from the parties' agreement as affected by this chapter and other applicable law.

(5) 'Electronic' means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

(6) 'Electronic agent' means a computer program or an electronic or other automated means used independently to initiate an action or respond to electronic records or performances, in whole or in part, without review or action by an individual.

(7) 'Electronic record' means a record created, generated, sent, communicated, received, or stored by electronic means.

(8) 'Electronic signature' means an electronic sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.

(9) 'Governmental agency' means an executive, legislative, or judicial agency, department, board, commission, authority, institution, or instrumentality of the federal government or of a state or of a county, municipality, or other political subdivision of a state.

(10) 'Information' means data, text, images, sounds, codes, computer programs, software, data bases, or the like.

(11) 'Information processing system' means an electronic system for creating, generating, sending, receiving, storing, displaying, or processing information.

(12) 'Person' means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, governmental agency, public corporation, or any other legal or commercial entity.

(13) 'Record' means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(14) 'Security procedure' means a procedure employed for the purpose of verifying that an electronic signature, record, or performance is that of a specific person or for detecting changes or errors in the information in an electronic record. The term includes a procedure that requires the use of algorithms or other codes, identifying words or numbers, encryption, or callback or other acknowledgment procedures.

(15) 'State' means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States. The term includes an Indian tribe or band, or Alaskan native village, which is recognized by federal law or formally acknowledged by a state.

(16) 'Transaction' means an action or set of actions occurring between two or more persons relating to the conduct of business, commercial, or governmental affairs.

10-12-3.

(a) Except as otherwise provided in subsection (b) of this Code section, this chapter shall apply to electronic records and electronic signatures relating to a transaction.

(b) This chapter shall not apply to a transaction to the extent it is governed by:

(1) A law governing the creation and execution of wills, codicils, or testamentary trusts;

(2) Title 11 other than Code Sections 11-1-107 and 11-1-206, Article 2, and Article 2A;  
or

(3) The Uniform Computer Information Transactions Act.

(c) This chapter shall apply to an electronic record or electronic signature otherwise excluded from the application of this chapter under subsection (b) of this Code section to the extent it is governed by a law other than those specified in subsection (b) of this Code section.

(d) A transaction subject to this chapter shall also be subject to other applicable substantive law.

(e) A governmental agency which is a party to a transaction subject to this chapter shall also be further subject to the records retention requirements for state and local government records established by state law.

10-12-4.

This chapter shall apply to any electronic record or electronic signature created, generated, sent, communicated, received, or stored on or after July 1, 2009.

10-12-5.

(a) This chapter shall not require a record or signature to be created, generated, sent, communicated, received, stored, or otherwise processed or used by electronic means or in electronic form.

(b) This chapter shall apply only to transactions between parties each of which has agreed to conduct transactions by electronic means. Whether the parties agree to conduct a transaction by electronic means is determined from the context and surrounding circumstances, including the parties' conduct.

(c) A party that agrees to conduct a transaction by electronic means may refuse to conduct other transactions by electronic means. The right granted by this subsection shall not be waived by agreement.

(d) Except as otherwise provided in this chapter, the effect of any of this chapter's provisions may be varied by agreement. The presence in certain provisions of this chapter of the words 'unless otherwise agreed,' or words of similar import, shall not imply that the effect of other provisions may not be varied by agreement.

(e) Whether an electronic record or electronic signature has legal consequences shall be determined by this chapter and other applicable laws.

10-12-6.

This chapter shall be construed and applied:

(1) To facilitate electronic transactions consistent with other applicable laws;

(2) To be consistent with reasonable practices concerning electronic transactions and with the continued expansion of those practices; and

(3) To effectuate its general purpose to make uniform the law with respect to the subject of this chapter among states enacting it.

10-12-7.

(a) A record or signature shall not be denied legal effect or enforceability solely because it is in electronic form.

(b) A contract shall not be denied legal effect or enforceability solely because an electronic record was used in its formation.

(c) If a law requires a record to be in writing, an electronic record shall satisfy the law.

(d) If a law requires a signature, an electronic signature shall satisfy the law.

10-12-8.

(a) If parties have agreed to conduct a transaction by electronic means and a law requires a person to provide, send, or deliver information in writing to another person, the

requirement shall be satisfied if the information is provided, sent, or delivered, as the case may be, in an electronic record capable of retention by the recipient at the time of receipt. An electronic record is not capable of retention by the recipient if the sender or its information processing system inhibits the ability of the recipient to print or store the electronic record.

(b) If a law other than this chapter requires a record to be posted or displayed in a certain manner; to be sent, communicated, or transmitted by a specified method; or to contain information that is formatted in a certain manner, the following rules shall apply:

(1) The record shall be posted or displayed in the manner specified in the other law;

(2) Except as otherwise provided in paragraph (2) of subsection (d) of this Code section, the record shall be sent, communicated, or transmitted by the method specified in the other law; and

(3) The record shall contain the information formatted in the manner specified in the other law.

(c) If a sender inhibits the ability of a recipient to store or print an electronic record, the electronic record shall not be enforceable against the recipient.

(d) The requirements of this Code section shall not be varied by agreement, but:

(1) To the extent a law other than this chapter requires information to be provided, sent, or delivered in writing but permits that requirement to be varied by agreement, the requirement under subsection (a) of this Code section that the information be in the form of an electronic record capable of retention may also be varied by agreement; and

(2) A requirement under a law other than this chapter to send, communicate, or transmit a record by first-class mail, postage prepaid, or by regular United States mail may be varied by agreement to the extent permitted by the other law.

10-12-9.

(a) An electronic record or electronic signature shall be attributable to a person if such record or signature was the act of the person. The act of the person may be shown in any manner, including a showing of the efficacy of any security procedure applied to determine the person to which the electronic record or electronic signature was attributable.

(b) The effect of an electronic record or electronic signature attributed to a person under subsection (a) of this Code section shall be determined from the context and surrounding circumstances at the time of its creation, execution, or adoption, including the parties' agreement, if any, and otherwise as provided by law.

10-12-10.

If a change or error in an electronic record occurs in a transmission between parties to a transaction, the following rules shall apply:

(1) If the parties have agreed to use a security procedure to detect changes or errors and one party has conformed to the procedure but the other party has not, and the nonconforming party would have detected the change or error had that party also conformed, the conforming party may avoid the effect of the changed or erroneous electronic record;

(2) In an automated transaction involving an individual, the individual may avoid the effect of an electronic record that resulted from an error made by the individual in dealing with the electronic agent of another person if the electronic agent did not provide an opportunity for the prevention or correction of the error and, at the time the individual learns of the error, the individual:

(A) Promptly notifies the other person of the error and that the individual did not intend to be bound by the electronic record received by the other person;

(B) Takes reasonable steps, including steps that conform to the other person's reasonable instructions, to return to the other person or, if instructed by the other person, to destroy the consideration received, if any, as a result of the erroneous electronic record; and

(C) Has not used or received any benefit or value from the consideration, if any, received from the other person;

(3) If neither paragraph (1) nor paragraph (2) of this Code section applies, the change or error shall have the effect provided by other law, including the law of mistake, and the parties' contract, if any; and

(4) Paragraphs (2) and (3) of this Code section shall not be varied by agreement.

10-12-11.

If a law requires a signature or record to be notarized, acknowledged, verified, or made under oath, such requirement shall be satisfied if the electronic signature of the person authorized to perform those acts, together with all other information required to be included by other applicable law, is attached to or logically associated with the signature or record.

10-12-12.

(a) If a law requires that a record be retained, such requirement shall be satisfied by retaining an electronic record of the information in the record which:

(1) Accurately reflects the information set forth in the record after it was first generated in its final form as an electronic record or otherwise; and

195 (2) Remains accessible for the retention period required by law.

196 (b) A requirement to retain a record in accordance with subsection (a) of this Code section  
197 shall not apply to any information the sole purpose of which is to enable the record to be  
198 sent, communicated, or received.

199 (c) A person may satisfy subsection (a) of this Code section by using the services of  
200 another person if the requirements of that subsection are satisfied.

201 (d) If a law requires a record to be presented or retained in its original form, or provides  
202 consequences if the record is not presented or retained in its original form, that law is  
203 satisfied by an electronic record retained in accordance with subsection (a) of this Code  
204 section.

205 (e) If a law requires retention of a check, that requirement is satisfied by retention of an  
206 electronic record of the information on the front and back of the check in accordance with  
207 subsection (a) of this Code section.

208 (f) A record retained as an electronic record in accordance with subsection (a) of this Code  
209 section shall satisfy a law requiring a person to retain a record for evidentiary, audit, or like  
210 purposes unless a law enacted after the effective date of this chapter specifically prohibits  
211 the use of an electronic record for the specified purpose.

212 (g) This Code section shall not preclude a governmental agency of this state from  
213 specifying additional requirements for the retention of a record subject to the agency's  
214 jurisdiction.

215 (h) This Code section shall not preclude the Georgia Technology Authority from  
216 specifying additional technology requirements in accordance with Code Section 50-25-4.

217 10-12-13.

218 In a proceeding, evidence of a record or signature shall not be excluded solely because it  
219 is in electronic form.

220 10-12-14.

221 In an automated transaction, the following rules shall apply:

222 (1) A contract may be formed by the interaction of electronic agents of the parties, even  
223 if no individual was aware of or reviewed the electronic agents' actions or the resulting  
224 terms and agreements;

225 (2) A contract may be formed by the interaction of an electronic agent and an individual,  
226 acting on the individual's own behalf or for another person, including by an interaction  
227 in which the individual performs actions that the individual is free to refuse to perform  
228 and which the individual knows or has reason to know will cause the electronic agent to  
229 complete the transaction or performance; and

230       (3) The terms of the contract are determined by the substantive law applicable to the  
231       contract.

232       10-12-15.

233       (a) Unless otherwise agreed between the sender and the recipient, an electronic record is  
234       sent when:

235       (1) It is addressed properly or otherwise directed properly to an information processing  
236       system that the recipient has designated or uses for receiving electronic records or  
237       information of the type sent and from which the recipient is able to retrieve the electronic  
238       record;

239       (2) It is in a form capable of being processed by that system; and

240       (3) It enters an information processing system outside the control of the sender or of a  
241       person that sent the electronic record on behalf of the sender or enters a region of the  
242       information processing system designated or used by the recipient which is under the  
243       control of the recipient.

244       (b) Unless otherwise agreed between a sender and the recipient, an electronic record is  
245       received when:

246       (1) It enters an information processing system that the recipient has designated or uses  
247       for receiving electronic records or information of the type sent and from which the  
248       recipient is able to retrieve the electronic record; and

249       (2) It is in a form capable of being processed by that system.

250       (c) Subsection (b) of this Code section shall apply even if the information processing  
251       system is located in a different place than the electronic record is deemed to be received  
252       under subsection (d) of this Code section.

253       (d) Unless otherwise expressly provided in the electronic record or agreed between the  
254       sender and the recipient, an electronic record is deemed to be sent from the sender's place  
255       of business and to be received at the recipient's place of business. For purposes of this  
256       subsection, the following rules shall apply:

257       (1) If the sender or recipient has more than one place of business, the place of business  
258       of that person is the place having the closest relationship to the underlying transaction;  
259       and

260       (2) If the sender or the recipient does not have a place of business, the place of business  
261       is the sender's or recipient's residence, as the case may be.

262       (e) An electronic record is received under subsection (b) of this Code section even if no  
263       individual is aware of its receipt.



(f) Receipt of an electronic acknowledgment from an information processing system described in subsection (b) of this Code section shall establish that a record was received but, by itself, does not establish that the content sent corresponds to the content received.  
(g) If a person is aware that an electronic record purportedly sent under subsection (a) of this Code section, or purportedly received under subsection (b) of this Code section, was not actually sent or received, the legal effect of the sending or receipt shall be determined by other applicable law. Except to the extent permitted by the other law, the requirements of this subsection shall not be varied by agreement.

10-12-16.

(a) As used in this Code section, 'transferable record' means an electronic record that:

(1) Would be a note under Article 3 of Title 11 or a document under Article 7 of Title 11 if the electronic record were in writing; and

(2) The issuer of the electronic record expressly has agreed is a transferable record.

(b) A person has control of a transferable record if a system employed for evidencing the transfer of interests in the transferable record reliably establishes that person as the person to which the transferable record was issued or transferred.

(c) A system satisfies subsection (b) of this Code section, and a person is deemed to have control of a transferable record, if the transferable record is created, stored, and assigned in such a manner that:

(1) A single authoritative copy of the transferable record exists which is unique, identifiable, and, except as otherwise provided in paragraphs (4), (5), and (6) of this subsection, unalterable;

(2) The authoritative copy identifies the person asserting control as:

(A) The person to which the transferable record was issued; or

(B) If the authoritative copy indicates that the transferable record has been transferred, the person to which the transferable record was most recently transferred;

(3) The authoritative copy is communicated to and maintained by the person asserting control or its designated custodian;

(4) Copies or revisions that add or change an identified assignee of the authoritative copy can be made only with the consent of the person asserting control;

(5) Each copy of the authoritative copy and any copy of a copy is readily identifiable as a copy that is not the authoritative copy; and

(6) Any revision of the authoritative copy is readily identifiable as authorized or unauthorized.

(d) Except as otherwise agreed, a person having control of a transferable record is the holder, as defined in Code Section 11-1-201, of the transferable record and has the same

rights and defenses as a holder of an equivalent record or writing under Title 11, including, if the applicable statutory requirements under subsection (a) of Code Section 11-3-302 or Code Section 11-7-501 or 11-9-308 are satisfied, the rights and defenses of a holder in due course, a holder to which a negotiable document of title has been duly negotiated, or a purchaser, respectively. Delivery, possession, and indorsement are not required to obtain or exercise any of the rights under this subsection.

(e) Except as otherwise agreed, an obligor under a transferable record shall have the same rights and defenses as an equivalent obligor under equivalent records or writings under Title 11.

(f) If requested by a person against which enforcement is sought, the person seeking to enforce the transferable record shall provide reasonable proof that the person is in control of the transferable record. Proof may include access to the authoritative copy of the transferable record and related business records sufficient to review the terms of the transferable record and to establish the identity of the person having control of the transferable record.

10-12-17.

Each governmental agency of this state shall determine whether, and the extent to which, it will create and retain electronic records and convert written records to electronic records.

10-12-18.

(a) Except as otherwise provided in subsection (f) of Code Section 10-12-12, each governmental agency of this state shall determine whether, and the extent to which, it will send and accept electronic records and electronic signatures to and from other persons and otherwise create, generate, communicate, store, process, use, and rely upon electronic records and electronic signatures.

(b) To the extent that a governmental agency uses electronic records and electronic signatures under subsection (a) of this Code section, the governmental agency, giving due consideration to security, may specify:

(1) The manner and format in which the electronic records shall be created, generated, sent, communicated, received, and stored and the systems established for those purposes;

(2) If electronic records must be signed by electronic means, the type of electronic signature required, the manner and format in which the electronic signature shall be affixed to the electronic record, and the identity of, or criteria that shall be met by, any third party used by a person filing a document to facilitate the process;

(3) Control processes and procedures as appropriate to ensure adequate preservation, disposition, integrity, security, confidentiality, and auditability of electronic records; and

(4) Any other required attributes for electronic records which are specified for corresponding nonelectronic records or reasonably necessary under the circumstances.

(c) Except as otherwise provided in subsection (f) of Code Section 10-12-12, this chapter shall not require a governmental agency of this state to use or permit the use of electronic records or electronic signatures.

10-12-19.

Any governmental agency of this state which adopts standards pursuant to Code Section 10-12-18 may encourage and promote consistency and interoperability with similar requirements adopted by other governmental agencies of this and other states and the federal government and nongovernmental persons interacting with governmental agencies of this state. If appropriate, those standards may specify differing levels of standards from which governmental agencies of this state may choose in implementing the most appropriate standard for a particular application.

10-12-20.

This chapter modifies, limits, and supersedes the federal Electronic Signatures in Global and National Commerce Act, 15 U.S.C. Section 7001, et. seq., but does not modify, limit, or supersede Section 101(c) of that act, 15 U.S.C. Section 7001(c), or authorize electronic delivery of any of the notices described in Section 103(b) of that act, 15 U.S.C. Section 7003(b)."

## SECTION 2.

The following Code sections of the Official Code of Georgia Annotated are amended by replacing "Georgia Electronic Records and Signatures Act" wherever it occurs with "Uniform Electronic Transactions Act":

(1) Code Section 14-2-120, relating to filing requirements relative to business corporations;

(2) Code Section 14-3-120, relating to filing of documents relative to nonprofit corporations;

(3) Code Section 14-9-206, relating to filing with the Secretary of State relative to the Georgia Revised Uniform Limited Partnership Act;

(4) Code Section 14-11-206, relating to filing by the Secretary of State relative to limited liability companies;

(5) Code Section 33-22-14.1, relating to transmissions of electronic records subject to the provisions of the Georgia Electronic Records and Signatures Act;

- (6) Code Section 44-3-102, relating to meetings of condominium associations, notice, and reports; and
- (7) Code Section 44-3-230, relating to the frequency of property owners' association meetings and notice.

### SECTION 3.

Code Section 15-10-53 of the Official Code of Georgia Annotated, relating to filing documents by electronic means, is revised as follows:

"15-10-53.

(a) Any magistrate court may provide for the filing of civil, garnishment, distress warrant, dispossessory, foreclosure, abandoned motor vehicle, and all other noncriminal actions, claims, answers, counterclaims, pleadings, postjudgment interrogatories, and other documents by electronic means.

(b) Any pleading or document filed electronically shall be in a format prescribed by the court.

(c) Any pleading or document filed electronically shall include the electronic signature of the person filing the pleading or document as defined in Code Section ~~10-12-3~~ 10-12-2.

(d) Any pleading or document filed electronically which is required to be verified, verified under oath, or be accompanied by an affidavit may include such verification, oath, or affidavit by one of the following methods:

(1) As provided in ~~subsection (j) of~~ Code Section ~~10-12-4~~ 10-12-11;

(2) By oath or affirmation of the party filing the pleading at the time of the trial of the case;

(3) By supplemental verified pleading; or

(4) By electronic verification, oath, or affidavit in substantially the following form:

'By affixing this electronic verification, oath, or affidavit to the pleading(s) submitted to the court and attaching my electronic signature hereon, I do hereby swear or affirm that the statements set forth in the above pleading(s) are true and correct.

Date:\_\_\_\_\_ Electronic Signature:\_\_\_\_\_'

(e) Service of any claim or complaint filed electronically shall be made as provided by law. Service of all subsequent pleadings and notices may be made electronically only on a party who has filed pleadings electronically; service on all other parties shall be made by such other means as are provided by law. Each pleading or document which is required to be served on other parties shall include a certificate of service indicating the method by which service on the other party has been made. An electronic certificate of service shall be made in substantially the following form:

'By affixing this electronic certificate of service to the pleading(s) or document(s) submitted to the court and attaching my electronic signature hereon, I do hereby swear or affirm that I have this date served the opposing party with a copy of this pleading by e-mail or placing a copy in regular mail with sufficient postage thereon to the following address: (set forth address of opposing party).

Date:\_\_\_\_\_ Electronic Signature:\_\_\_\_\_ '

(f) Nothing in this Code section shall prevent a party from contesting an electronic pleading, document, or signature on the basis of forgery or fraud. Any pleading or document found by the court to have been fraudulently filed shall be stricken from the record.

(g) Where the authenticity or the integrity of an electronic pleading, document, or signature is challenged, the proponent of the electronic pleading, document, or signature shall have the burden of proving that the electronic pleading, document, or signature is authentic.

(h) Upon the receipt of any pleading or other document filed electronically, the clerk of magistrate court shall notify the filer of receipt of the pleading or document. Such notice shall include the date and time the court accepted the pleading or document as filed.

(i) Any pleading or document filed electronically shall be deemed filed as of the time the clerk of court gains electronic control of the document.

(j) When the filing of the pleading or document requires the payment of a fee, the clerk of magistrate court may establish procedures for the payment of such fees connected with such filing. The filing of any such pleading or document shall create an obligation by the party to pay such fee to the clerk of court instant.

(k) The clerk of court may assess an additional transaction fee or fees for each electronic filing and electronic payment."

#### SECTION 4.

Code Section 31-33-8 of the Official Code of Georgia Annotated, relating to electronic records, is amended by revising subsection (a) as follows:

"31-33-8.

(a) Notwithstanding any other provision of the law to the contrary, any provider may, in its sole discretion, create, maintain, transmit, receive, and store records in an electronic format within the meaning of Code Section ~~10-12-3~~ 10-12-2 and may, in its sole discretion, temporarily or permanently convert records into an electronic format."

**SECTION 5.**

Code Section 43-39A-4.1 of the Official Code of Georgia Annotated, relating to rules and regulations with respect to real estate appraisers, is revised as follows:

"43-39A-4.1.

Notwithstanding any provision of law to the contrary, with respect to any form or application required to be completed by an applicant or an appraiser, or with respect to any document required to be issued by the board, the board is authorized to promulgate rules and regulations setting forth:

(1) Any procedure that will reduce the use of paper forms, applications, or documents;

(2) Any procedure that will reduce the necessity for the board to maintain paper documents;

(3) The procedure for submitting or issuing any such form, application, or document by facsimile or electronic means; and

(4) The procedure for satisfying any signature requirement on any such form by electronic signature, voice signature, or other means so long as appropriate security measures are implemented that assure security and verification of any required signature.

As used in this Code section, the term 'electronic signature' shall have the same meaning as provided in Code Section ~~10-12-3~~ 10-12-2."

**SECTION 6.**

Code Section 43-40-3.1 of the Official Code of Georgia Annotated, relating to rules and regulations with respect to real estate brokers and salespersons, is revised as follows:

"43-40-3.1.

Notwithstanding any provision of law to the contrary, with respect to any form or application required to be completed by an applicant or a licensee, or with respect to any document required to be issued by the commission, the commission is authorized to promulgate rules and regulations setting forth:

(1) Any procedure that will reduce the use of paper forms, applications, or documents;

(2) Any procedure that will reduce the necessity for the commission to maintain paper documents;

(3) The procedure for submitting or issuing any such form, application, or document by facsimile or electronic means; and

(4) The procedure for satisfying any signature requirement on any such form by electronic signature, voice signature, or other means so long as appropriate security measures are implemented that assure security and verification of any required signature.

As used in this Code section, the term 'electronic signature' shall have the same meaning as provided in Code Section ~~10-12-3~~ 10-12-2."

**SECTION 7.**

Code Section 50-18-72 of the Official Code of Georgia Annotated, relating to when public disclosure of certain records is not required and the disclosure of exempting legal authority, is amended by revising paragraph (12) of subsection (a) as follows:

"(12) Public records containing information that would disclose or might lead to the disclosure of any component in the process used to execute or adopt an electronic signature, if such disclosure would or might cause the electronic signature to cease being under the sole control of the person using it. For purposes of this paragraph, the term 'electronic signature' has the same meaning as that term is defined in Code Section ~~10-12-3~~ 10-12-2;"

**SECTION 8.**

All laws and parts of laws in conflict with this Act are repealed.